

Notice of Allowability

Application No.

10/525,931

Examiner

Tung S. Lau

Applicant(s)

UENISHI ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/16/2006.
2. ☒ The allowed claim(s) is/are 7,10-12 and 15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Abstract/ Drawings

1. The Abstract and Drawings filed on 11/16/2006 has been accepted by the examiner.

Allowable Subject Matter

2. Claims 7, 10, 11, 12 and 15 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Independent claims 7, 11 and 12 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 7:

The primary reason for the allowance of claim 7 is the inclusion of the method for quantitatively calculating a degree of fatigue of a driver including the seat, wherein said operational expression is obtained by a multiple regression analysis with the amount of rearward deflection of the lower part of the backrest portion, the load applied downward to the front part of the seating portion and the load applied rearward to the upper part of the backrest portion regarded as explanatory variables, and an actual degree of fatigue measured of the driver seated on the seat as a response variable, and storing load measurements and a degree of fatigue of a driver in a data file. It is these

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features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 10 is allowed due to their dependency on claim 7.

Regarding claim 11:

The primary reason for the allowance of claim 11 is the inclusion of a vehicle seat including calculating device for quantitatively calculating a degree of fatigue of the driver including driver seated on the seat by using an operational expression determined by a statistical technique based on detection values of said first, second and third detecting devices, wherein said operational expression is obtained by a multiple regression analysis with the amount of rearward deflection of the lower part of the backrest portion, the load applied downward to the front part of the seating portion and the load applied rearward to the upper part of the backrest portion regarded as explanatory variables, and an actual degree of fatigue measured of the driver seated on the seat as a response variable. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

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Regarding claim 12:

The primary reason for the allowance of claim 12 is the inclusion of a vehicle seat evaluating method for evaluating a seat with a degree of fatigue calculated by a vehicle driver's fatigue evaluating method for quantitatively calculating a degree of fatigue of a driver seated on the seat including being seated, wherein said operational expression is obtained by a multiple regression analysis with the amount of rearward deflection of the lower part of the backrest portion, the load applied downward to the front part of the seating portion and the load applied rearward to the upper part of the backrest portion regarded as explanatory variables, and an actual degree of fatigue measured of the driver seated on the seat as a response variable. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 15 is allowed due to their dependency on claim 12.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact information

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL


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